

Chapter 67. Zoning Code - Overlay Districts

Division 5. 60.700. Special Districts

ARTICLE I. 67.100. FP STATE FAIR PARKING OVERLAY DISTRICT

Subdivision 1. 60.710. State Fair Parking Overlay District

Sec. ~~670.710~~1. Established; permitted parking; written consent of adjoining property owners.

There is hereby established a special overlay zoning district within the City of Saint Paul to be known as the "State Fair Parking District," and which special district shall be placed over the other established zoning districts as shown on the attached map, which map is made a part of the ordinance from which this section is derived as if the matter and information set forth thereon were all fully described herein. Notwithstanding the provisions of section ~~632.312~~~~104~~(11) to the contrary, state fair parking on residentially zoned property may be permitted in required side and front yards only during the period of the annual Minnesota State Fair; provided, however, that state fair parking in required front yards will be permitted only with the written consent of the adjoining property owners on both sides of the subject front yard. Written consents must be obtained prior to the each annual state fair.

(Ord. No. 17667, § 2, 7-13-89)

Secs. ~~60.712-60.714~~. Reserved.

Subdivision 2. ~~60.720~~. P-1 Vehicular Parking District

[Moved to new §66.700. VP Vehicular Parking District.]

Subdivision 3. ~~60.730~~. PD Planned Development District

[Moved to new §66.800. PD Planned Development District.]

Subdivision 4. ~~60.750~~. RCR-1 River Corridor Residential District

Sec. ~~60.751~~. Intent.

The RCR-1 River Corridor Residential District is intended to provide sites for multiple-family dwellings in the Mississippi River corridor which are consistent with the comprehensive plan's river corridor plan. Within the district, buildings will be placed to be harmonious with surrounding buildings and uses and to protect views from adjacent districts.

(Ord. No. 17511, § 1, 11-12-87)

Sec. ~~60.752~~. Principal uses permitted.

In a RCR-1 River Corridor Residential District the use of land, the location and erection of new buildings or structures, and the alteration, enlargement and moving of existing buildings or structures from other locations or districts shall conform to the following specified uses unless otherwise provided in this code:

- (1) ~~Multiple-family dwellings no more than three (3) stories or thirty (30) feet in height.~~
- (2) ~~Family day care, group family day care and group day care.~~

- ~~(3) Foster homes and freestanding foster homes located in permitted multiple-family structures.~~
- ~~(4) Licensed human service community residential facilities serving six (6) or fewer facility residents located in permitted multiple-family structures at least one thousand three hundred twenty (1,320) radial feet from another licensed human service community residential facility.~~
- ~~(5) Hospices located in permitted multiple-family structures and serving sixteen (16) or fewer facility residents.~~
- ~~(6) Transitional housing and shelters for battered persons located in permitted multiple-family structures and serving four (4) or fewer adult facility residents and minor children in their care.~~
- ~~(7) Churches, chapels, synagogues, temples and other similar houses of worship.~~
- ~~(8) Home occupations.~~
- ~~(9) Publicly owned and operated parks and recreation facilities.~~
- ~~(10) Cellular telephone antennas located on an existing residential structure at least sixty (60) feet high; on a utility monopole at least sixty (60) feet high existing at the time of adoption of this amendment; on, and supported by, a utility lattice pole at least sixty (60) feet high existing at the time of adoption of this amendment; or on an institutional use structure, as regulated in the R-1 through R-4 districts, section 60.412(16).~~
- ~~(11) Accessory buildings, structures, and uses as defined in section 60.201.~~

~~(Ord. No. 17511, § 1, 11-12-87; Ord. No. 17845, § 36, 6-27-91; C.F. No. 93-1718, § 60, 12-14-93; C.F. No. 96-694, § 9, 7-10-96; C.F. No. 97-565, § 18, 6-11-97)~~

~~Sec. 60.753. Principal uses permitted subject to special conditions.~~

~~The following additional uses shall be permitted subject to the conditions hereinafter imposed for each use and subject to the standards specified for all special condition uses as set forth in section 60.754 and section 64.300©). All principal uses permitted subject to special conditions shall be reviewed and approved by the planning commission.~~

- ~~(1) Multiple-family dwellings over three (3) stories or thirty (30) feet in height. The massing of the multiple-family dwellings shall be such that the extent of the views and vistas from public rights-of-way and open spaces shall be maximized between the bluffs and the river and between the river valley floor and the bluffs. Applicants shall be required to provide the planning commission an analysis, including site plans and perspective drawings, showing how the multiple-family dwelling will affect views.~~
- ~~(2) Retail, service and office uses within a multiple-family dwelling, all subject to the following conditions:~~
 - ~~a. Any retail, service or office use on the zoning lot shall be clearly incidental to the principal use and designated to serve only the residents of the district.~~
 - ~~b. Such uses shall be provided totally within the walls of the main building. No access to such uses shall be available to the general public from any exterior entryways. No identification sign shall be visible from any exterior view.~~
 - ~~c. Such uses shall not exceed twenty-five (25) percent of the floor area at grade level, or fifty (50) percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first floor or grade level.~~
 - ~~d. Each one thousand (1,000) square feet of floor area devoted to such uses shall be counted as one (1) dwelling unit in the computation of allowed dwelling units on the lot.~~
- ~~(3) Transitional housing serving five (5) or more facility residents, shelters for battered persons~~

~~serving five (5) or more facility residents, licensed human service residential facilities for seven (7) or more facility residents which are located at least one thousand three hundred twenty (1,320) radial feet from another licensed human service community residential facility; all subject to the conditions set forth for RM-1 Multifamily Residential Districts in section 60.433.~~

- ~~(4) Health department-licensed community residential facilities, licensed correctional residential facilities and emergency housing subject to the conditions set forth for RM-1 Low-Density, Low-Rise Multiple-family Residential Districts in section 60.433.~~
- ~~(5) Railroad rights-of-way, but not including terminal freight facilities and transfer and storage tracks.~~
- ~~(6) Public utility and public service buildings and substations which are completely enclosed within a building, when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity. Storage yards shall be prohibited. Such uses shall provide substantiating evidence that the use is needed to service the surrounding area.~~
- ~~(7) Cellular telephone antennas, as regulated in the R-1 through R-4 Districts, sections 60.413(17) and (18).~~
- ~~(8) Accessory buildings, structures and uses as defined in section 60.201.~~

~~(Ord. No. 17511, § 1, 11-12-87; Ord. No. 17670, § 1, 7-20-89; Ord. No. 17845, § 37, 6-27-91; C.F. No. 96-694, § 9, 7-10-96; C.F. No. 97-565, § 19, 6-11-97)~~

~~**Sec. 60.754. Standards for principal uses subject to special conditions.** [Moved to §66.540. Required Conditions.]~~

~~**Sec. 60.755. Special setbacks.** [Moved to §66.540. Required Conditions.]~~

~~**Sec. 60.756. Area, bulk and yard setback requirements.**~~

~~See Chapter 61, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing a minimum yard setback requirements.~~

~~(Ord. No. 17511, § 1, 11-12-87)~~

~~[The RCR-1 River Corridor Residential District is no longer in use and should be deleted. §60.754 and §60.755, standards for conditional uses and special setback requirements that continue to pertain to the IR River Corridor Industrial District are moved to §66.540 Required Conditions for industrial districts.]~~

*Subdivision 5. 60.760. Reserved**

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*Cross reference(s) C.F. No. 01-501, § 1, adopted July 5, 2001, amended the Code by repealing former subdiv. 5, §§60.760-60.767, in its entirety. Former subdiv. 5 pertained to the River Corridor Commercial District, and derived from Ord. No. 17511, § 2, adopted November 12, 1987, and C.F. No. 92-1479, § 17, adopted December 15, 1992.
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~~[The River Corridor Commercial District is no longer in use, and all reference to it can be deleted.]~~

Subdivision 6. 60.770. RCI-1 River Corridor Industrial District

~~[Moved to new §66.500. Industrial Districts.]~~

ARTICLE II. 67.200. TP TREE PRESERVATION OVERLAY DISTRICT

Subdivision 7. 60.780. "T" Tree Preservation District

Sec. 670.78201. Intent.

The "TP" Tree Preservation Overlay District is designed to preserve the essential character of those areas that are heavily wooded and in a more natural state by encouraging a resourceful and prudent approach to their development that includes minimal tree loss and mitigation of tree removal resulting from development. The "TP" district is further provided to reduce stormwater runoff and minimize flooding; to aid in the stabilization of soil by preventing erosion and sedimentation; to aid in the removal of carbon dioxide and the generation of oxygen in the atmosphere; and to maintain the visual screening, wind break, dust collection, heat and glare reduction, and noise barrier characteristics exhibited by trees.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 670.78202. ~~Principal uses permitted~~ and ~~principal uses permitted subject to special conditionals uses.~~

In the "TP" Tree Preservation Overlay District, ~~principal uses permitted outright and principal uses permitted subject to special conditionals uses~~ are those specified by the ~~corresponding underlying district as established in section 60.301~~, to the extent that they are not prohibited by any other provision of the zoning code. They are subject to standards specified in the ~~corresponding underlying district section~~ and to those specified below.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 670.78203. Tree preservation plan.

- (a) *When preservation plan required generally.* Any application for a building permit that requires the removal of one (1) or more trees of twelve (12) inches DBH or larger, grading permit, fill permit, lot split, plat approval or any development requiring site plan review shall include a tree preservation plan, drawn to scale, for that area within the limits of disturbance. The tree preservation plan shall be certified by a Minnesota-registered land surveyor, landscape architect or forester. The plan shall be submitted to the planning administrator for review and approval.
- (b) *Subdivisions where applicant for plat approval is different from other permits.* In the case of a subdivision approved after designation as a "TP" district, where the applicant for plat approval and the applicant for a building, grading or fill permit are different, tree preservation plans shall be submitted as follows:
 - (1) The applicant for plat approval shall submit a tree preservation plan for any area to be disturbed in any way for the purposes of platting and/or site preparation. The tree preservation plan does not need to cover the buildable area of individual lots, unless the buildable area will be disturbed for site preparation.
 - (2) The applicant for a building, grading or fill permit within a subdivision approved after designation as a "TP" district shall submit a tree preservation plan for the buildable area of the individual lot.
- (c) *Required information.* The tree preservation plan shall include the following:
 - (1) The location, diameter at breast height (DBH) and species of all existing trees six (6) inches DBH or larger within the limits of disturbance. If the superintendent of parks determines that the size of the parcel and the number of affected trees renders the

individual identification of all trees unreasonable, accepted methods of forest cruising may be substituted. Where forest cruising is used, all trees in excess of twelve (12) inches DBH shall be individually identified.

- (2) The location and dimension of all buildings (existing and proposed); the location of easements, adjacent roadways and vehicular access driveways; existing and proposed grading; site drainage facilities; parking areas; sidewalks and utilities.
 - (3) The location of all trees that will be preserved and incorporated into the proposed site design. All tree drip lines shall be noted.
 - (4) A description of how trees will be protected before and during construction.
 - (5) The location of trees to be removed, replacement trees and areas proposed for additional landscaping, including, but not limited to, the tree name (botanical and common); the quantity of each species; tree caliper, measured six (6) inches aboveground; and a typical planting detail.
- (d) *When plan not required.* A tree preservation plan shall not be required in the following cases:
- (1) Where the applicant can demonstrate that there are no existing trees within the limits of disturbance.
 - (2) For the regular maintenance of existing public utilities.
- (e) *No site preparation until plan approved.* No cutting, clearing, digging or grading for site preparation shall be undertaken until a tree preservation plan has been approved.
- (f) *No removal or replacement until issuance of permit and approvals.* No tree removal or replacement shall be undertaken until approval and issuance of the grading or fill permit, plat approval or site plan approval.
- (g) *Filing plan with planning administrator.* Where a tree preservation plan is approved with the final plat, a copy of the approved tree preservation plan shall be kept on file with the planning administrator for determination of compliance prior to issuance of a building permit(s) at the time of construction.

(Ord. No. 17889, § 14, 11-21-91)

Sec. ~~670.78~~204. Selection of trees to be preserved.

- (a) Those trees shall be preserved that:
- (1) Protect and enhance the integrity of the natural environment by maintaining the natural vegetation and topography;
 - (2) Complement the project design, including the enhancement of building architecture and streetscape appearance;
 - (3) Complement stormwater management techniques;
 - (4) Augment or do not interfere with sedimentation and erosion control designs; or
 - (5) Are recommended for preservation by the superintendent of parks.
- (b) The removal of trees of twelve (12) inches DBH or larger, when not related to a building permit, grading permit, fill permit, lot split, plat approval or any development requiring site plan review, shall be prohibited unless:
- (1) The tree(s) is (are) located on parcels occupied by a main building (or a group of main buildings) and accessory buildings and determined by the property owner to be a nuisance, hazardous, diseased, dying or dead;

- (2) The tree(s) is (are) being removed from commercial nurseries or horticultural properties such as tree farms, orchards or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to the imminent development of land; or
- (3) Tree removal is approved by the superintendent of parks, and the trees are replaced as required in section ~~670.78~~**208**.

(Ord. No. 17889, § 14, 11-21-91)

Sec. ~~670.78~~205**. Protection of trees to be preserved before construction.**

- (a) Trees or tree areas that are to be preserved shall be visibly marked prior to construction.
- (b) Protection devices shall be installed prior to construction and shall be shown on the approved landscape plan. Protection devices include, but are not limited to, snow fencing, board fencing, silt fencing or string and flagging. Construction personnel shall be notified of the purpose and presence of the protection devices.
- (c) The applicant shall arrange for an on-site inspection of all protection devices by the superintendent of parks prior to commencing grading or construction.

(Ord. No. 17889, § 14, 11-21-91)

Sec. ~~670.78~~206**. Protection of trees to be preserved during construction.**

- (a) *Protection from grading or filling.* Grading or filling shall not occur inside the drip line of trees to be preserved, unless approved by the superintendent of parks. If grading or filling inside the drip line is approved, root aeration practices and/or tree wells or walls shall be used, subject to approval by the superintendent of parks.
- (b) *Activities prohibited within drip lines.* The following activities shall be prohibited within the drip line of the tree(s) to be retained:
 - (1) Trenching;
 - (2) Temporary storage of any construction materials or chemicals; and
 - (3) The routing or parking of heavy equipment, including cars, trucks, bulldozers and construction trailers.
- (c) *Sediment and erosion control.* All sediment and erosion-control silt fencing or straw bales shall be placed at the limits of grading or where needed to minimize the deposition of sediment within the drip line of the protected tree(s).
- (d) *Attaching protective devices, signs, etc., to trees prohibited.* No protective devices, signs, utility poles or lines, or other objects shall be nailed or attached to any trees that are to be preserved.
- (e) *Other actions prohibited.* Any other action within the drip line of the protected tree(s) that may result in the severing of roots or compaction of soil, or that may impede the free access of air and water to tree roots, shall be prohibited.
- (f) *Other tree protection practices.* Other tree protection practices may be required at the discretion of the planning administrator and/or superintendent of parks.
- (g) *Amendment to plan prior to removal.* An amendment to the tree preservation plan shall be required prior to the removal of trees that were slated for preservation on the original tree preservation plan.

(Ord. No. 17889, § 14, 11-21-91)

Sec. ~~670.78~~207**. Protection of preserved trees after construction.**

- (a) Construction barriers shall be removed from protected tree areas.
- (b) The applicant shall arrange an on-site inspection by the superintendent of parks for approval of post-construction tree protection practices. Such approval shall be required prior to the release of any security as provided in section 670.78209.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 670.78208. Replacement of trees.

- (a) *Generally.* While development shall retain the maximum number of trees possible, it is recognized that a certain amount of tree removal is an inevitable consequence of urban development.
- (b) *Replacement requirements.* Trees removed for development or reasonably anticipated to be lost due to development shall be replaced according to the following requirements:
 - (1) Individual trees of at least twelve (12) inches DBH but less than eighteen (18) inches DBH shall be replaced on the basis of one (1) replacement tree for every one (1) tree removed.
 - (2) Individual trees of at least eighteen (18) inches DBH but less than twenty-four (24) inches DBH shall be replaced on the basis of two (2) replacement trees for every one (1) tree removed.
 - (3) Individual trees of twenty-four (24) inches DBH or larger shall be replaced on the basis of three (3) replacement trees for every one (1) tree removed.
- (c) *Transplanting permitted.* Trees designated for removal within the limits of disturbance may be transplanted within the site and counted as replacement trees.
- (d) *Deciduous replacement trees.* Deciduous replacement trees of nursery stock shall be at least two and one-half (2 ½) caliper inches, and of a species similar to the tree(s) lost or removed, ~~and. Deciduous replacement trees shall be of the species indicated in Appendix C to the zoning code~~ **meet the standards in section 63.106, landscaping and plant materials.** [Appendix C is being deleted and replaced with language in section 63.106.] At the discretion of the superintendent of parks, coniferous trees may replace deciduous trees that are lost or removed.
- (e) *Coniferous replacement trees.* Coniferous replacement trees shall be at least six (6) feet in height, and of species similar to the tree(s) lost or removed, ~~and. Coniferous replacement trees shall be of the species indicated in Appendix C to the zoning code~~ **meet the standards in section 63.106, landscaping and plant materials.**
- (f) *Inspection.* The applicant shall arrange for an on-site inspection of all replacement trees by the superintendent of parks prior to planting.
- (g) *Time limit on planting replacement trees.* Replacement trees shall be planted no more than twelve (12) months after the removal of original trees, unless an extension is granted by the superintendent of parks. The applicant shall inform the superintendent of parks that all replacement trees have been planted, at which time the superintendent of parks shall inspect the site.
- (h) *Off-site planting of excess replacement trees.* If the number of replacement trees to be planted exceeds the number of trees that can be accommodated practically on-site, as determined by the superintendent of parks, off-site planting may occur at locations to be determined by the applicant and the superintendent of parks, or a fee in lieu of off-site planting may be required as provided in paragraph (i) below. When determining off-site planting locations, priority shall be given to lots that are located within the "TP" Tree Preservation District and in close

proximity to the lot(s) from which the trees were removed.

- (i) *Fee in lieu replacement trees; expenditure of funds.* Where tree replacement on-site is not practical and a suitable off-site location cannot be determined and agreed upon by the applicant and the superintendent of parks, a fee in lieu thereof may be assessed for the replacement required in section 670.78208(b). The fee amount, which shall be equal to or greater than the value of each tree established in the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture, plus ten (10) percent, shall be provided by the applicant and approved by the planning administrator. All funds collected shall be expended exclusively for tree planting and maintenance as administered by the superintendent of parks.
- (j) *Replacement of or fee for trees designated for preservation or outside limits of disturbance.* Any trees designated for preservation on the tree preservation plan or that are outside the limits of disturbance, but that were subsequently removed or damaged, shall be replaced at the rate of one (1) new tree for every tree lost or according to the requirements stated in section 670.78208(b), whichever is greater; or through payment of a fee in lieu thereof equal to or greater than the value of each tree lost as established in the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture.
- (k) *Trees for which replacement is not applicable.* The provisions of section 670.78208 shall not apply to:
 - (1) The removal of trees in areas to be occupied by buildings, private streets, driveways, areas required for accessory parking or within a distance of fifteen (15) feet of a building foundation;
 - (2) The removal of trees determined by the superintendent of parks to be hazardous, diseased, dying or dead;
 - (3) The removal of trees transplanted from one (1) part of a development site to another; or
 - (4) The removal of trees from commercial nurseries or horticultural properties such as tree farms, orchards or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to the imminent development of land.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 670.78209. Security agreement.

- (a) Before the tree preservation plan is approved, the applicant shall file a performance bond, letter of credit, cash or escrow deposit equal to one hundred twenty-five (125) percent of the value of each replacement tree shown on the tree preservation plan as established in the latest version of "A Guide to the Professional Evaluation of Landscape Tree, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture. At the discretion of the zoning administrator, additional security may be required in accordance with section 670.78208(f).
- (b) Release of the security shall be as provided in section 612.1048(f).
- (c) In the case of a subdivision approved after the effective date of this section where the applicant for plat approval and the applicant for a building, grading or fill permit are different, two (2) separate securities shall be filed. The applicant for plat approval shall file one (1) at the time of platting; the applicant for a building, grading or fill permit to develop the individual lots shall file one (1) at the time of permit approval. The amount of the security in each case shall

be as required in paragraph (a) above.

(Ord. No. 17889, § 14, 11-21-91)

Sec. 670.79210. Penalty.

The removal of trees in violation of this subdivision shall be constitute a petty misdemeanor and subject to a fine as specified in section 1.05 of this Code. In determining the amount of the fine, the court is requested to take into consideration the value of the tree(s) removed as established in the latest version of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture, plus the cost to replace the tree(s). The unapproved removal of each tree shall constitute a separate violation.

(Ord. No. 17889, § 14, 11-21-91)

*Subdivision 8. 60.800. CP Commercial Parking District**

~~*Editor's note--C.F. No. 93-1324, § 5, adopted Nov. 23, 1993, amended this chapter by adding provisions relative to the CP Commercial Parking District but did not specify the manner of inclusion. Such provisions have been included herein as Subdivision 8, §§ 60.800--60.804, at the discretion of the editor.~~

Sec. 60.801. Commercial Parking District; purpose.

~~Some commercially zoned districts were developed during the period when the street cars were a principal mode of public transportation. Those commercial districts were developed at a time when the use of the private automobile was not as common as now, and development occurred prior to the enactment of off-street parking requirements contained in zoning codes. Also some of these commercial districts are located in close proximity to residential districts and abut narrow streets. In some instances, commercial strips and nodes have significant off-street parking deficits from existing zoning requirements for similar new developments. The city council finds that parking shortfalls have a negative effect not only on vitality of commercial areas but also on adjacent residential properties. Prior attempts to reduce these negative impacts have not always been successful. The purpose to be accomplished by the designation of commercial parking district overlay zones is to encourage the provision of adequate off-street parking facilities in the future for commercial uses and to alleviate some of the existing adverse effects caused by such shortfalls upon adjacent residential properties.~~

~~(C.F. No. 93-1324, § 5, 11-23-93)~~

Sec. 60.802. Commercial Parking District Overlay; defined.

~~A commercial parking district overlay is an area designated by council resolution and which is determined by the council to have a significant shortfall of off-street parking facilities to meet the needs of the existing commercial uses within the defined area. The shortfall of off-street parking facilities is found to create or cause a "spill-over" parking problem for residential properties within the immediate area. This "spill-over" parking problem may, in the determination of the council, be alleviated through the enforcement of additional parking restrictions and requirements within a commercial parking overlay district.~~

~~(C.F. No. 93-1324, § 5, 11-23-93)~~

Sec. 60.803. Designation of Commercial Parking District Overlay.

Commercial Parking Overlay Districts may be established by the council in the following manner:

(1) The area of the proposed district shall be identified in a resolution and referred by the council

~~to the planning commission with a request that the commission consider the proposal. The following conditions must be found to exist for an area to be qualified for designation as an overlay district:~~

- ~~— a. The proposed district has a commercial off-street parking deficit, according to the current parking standards, of at least two hundred (200) parking spaces;~~
 - ~~— b. Each block or portion thereof within the proposed district has a parking deficit of at least twenty (20) spaces per acre;~~
 - ~~— c. The proposed district has a minimum front footage of two thousand (2,000) feet for all the block faces in a contiguous area of predominantly commercial uses and businesses; and~~
 - ~~— d. There are documented negative impacts from commercial parking affecting nearby residential properties on residential streets.~~
- ~~(2) With the assistance of staff from the planning division, the commission shall make a determination whether the conditions set forth above are met, which indicate that a severe parking shortfall exists within the proposed district, and submit its findings and recommendations to the council.~~
- ~~(3) Upon receipt of the commission's report, the council may proceed to further consider the proposal at a public hearing. If the decision is to proceed further, then notice of the public hearing shall be mailed at least ten (10) days prior to the hearing to owners of property within the proposed district and to owners of property within three hundred fifty (350) feet of the proposed district.~~
- ~~(4) The council may request businesses within the proposed district to submit recommendations for an off-street parking plan addressing the following issues:~~
- ~~— a. How existing businesses would use the parking lots;~~
 - ~~— b. Where employees would park;~~
 - ~~— c. Whether and how much parking lot users would be charged for parking;~~
 - ~~— d. How parking complaints would be handled; and~~
 - ~~— e. How the ongoing monitoring and management of the off-street parking within the district would be carried out.~~
- ~~— If such parking plan is prepared by businesses, the plan shall be submitted to the district council representing the area for its review and comment.~~
- ~~(5) At the conclusion of the public hearing, the council may by resolution establish the overlay parking district. The resolution shall contain the following:~~
- ~~— a. Identify the district boundaries and the legal descriptions of the properties included therein.~~
 - ~~— b. Set forth the facts and conclusions which justify the need for the overlay district.~~
 - ~~— c. Incorporate some or all of the recommendations submitted by the businesses, which may be accomplished in accordance with the existing provisions of state or local law.~~
 - ~~— d. Set forth any special conditions and restrictions which shall be applicable to all commercial and business uses within the overlay parking district which are enacted for the purpose of alleviating the parking problems for the commercial and business uses, and the adjacent residential properties. In addition to any special conditions and restrictions, the council may provide that some or all of the following conditions be~~

applicable in an overlay parking districts:

- ~~1. All existing parking facilities serving commercial and business uses within the overlay parking district shall be improved so as to maximize the number of off-street parking spaces that may be provided thereon and shall also provide appropriate landscaping buffers. Parking facilities in existence as of November 23, 1993, shall be brought into compliance with this requirement within five (5) years after the establishment of the overlay parking district.~~
- ~~2. The five-space parking exemption in section 62.103(d) for change of uses in a structure shall not apply within the overlay parking district, except that requests for variances may be made.~~
- ~~3. The banking of parking spaces in section 62.103(i) for expansions of legally nonconforming parking for businesses shall not apply within the overlay parking district, except that requests for variances may be made.~~

~~The city clerk shall file a certified copy of the resolution with the office of county recorder.~~

~~(C.F. No. 93-1324, § 5, 11-23-93; C.F. No. 95-557, § 5, 6-14-95)~~

~~Sec. 60.804. Modification or discontinuance of overlay district.~~

~~The council may by resolution modify or order the discontinuance of a commercial parking district overlay. The council shall conduct a public hearing, with prior notice as specified for the creation of an overlay district, and upon the conclusion thereof modify the district and/or imposed conditions, or find and determine that there no longer exists a need for the overlay district. The city clerk shall file a certified copy of the resolution in the office of county recorder.~~

~~(C.F. No. 93-1324, § 5, 11-23-93)~~

[The CP Commercial Parking District has never been used, there is no interest in using it, and therefore it should be deleted.]

**ARTICLE III. 67.300. SD SHEPARD DAVERN
COMMERCIAL AND RESIDENTIAL REDEVELOPMENT OVERLAY DISTRICT**

*~~Subdivision 9. 60.900. Shepard Davern
Commercial and Residential Redevelopment Overlay District~~*

Sec. 67.301. General provisions.

- (a) *Establishment of redevelopment overlay districts; intent.* There are hereby established within the City of Saint Paul special zoning districts which shall be known as the **SDC** Shepard Davern Commercial Redevelopment Overlay District (**SDC**) and the **SDR** Shepard Davern Residential Redevelopment Overlay District (**SDR**). These redevelopment overlay districts are established to maintain a unique character, to promote economic development potential, to encourage development of urban villages with pedestrian and transit oriented design, to promote mixed use development, and to protect public health, safety and welfare within the designated districts.
- (b) *Relationship to other applicable regulations.* Property located within a redevelopment overlay district shall be subject to the provisions of the primary zoning district, existing overlay districts and the new redevelopment overlay district. Because redevelopment overlay district regulations may be more or less restrictive than the primary zoning district and existing overlay

districts, where provisions of the redevelopment overlay district conflict with either the primary zoning district or the existing overlay district, the provisions of the redevelopment overlay district shall govern.

- (c) *Established boundaries.* Redevelopment overlay district boundaries shall be as specified in the individual redevelopment overlay district regulations. The redevelopment overlay district designation shall be shown on the zoning map (~~Attachment A~~) in addition to the underlying zoning district designation (~~Attachment B~~).

(C.F. No. 99-1165, § 1, 12-22-99)

Sec. ~~670.302~~ 920. SDC Shepard Davern Commercial Redevelopment Overlay District.

- (a) *Purpose.* The SDC Shepard Davern Commercial Redevelopment District (~~SDC~~) is an overlay district designed to promote the redevelopment of the area into a mixed use urban district combining commercial uses, hospitality facilities and housing. Redevelopment in the district shall be designed to enhance the livability of the area, to reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of Saint Paul and the scenic features of the area. The district is also designed to increase green space and maximize vegetative plantings throughout the district and provide tree lined corridors along West Seventh, Shepard Road and the proposed Edgumbe Parkway.
- (b) *Established boundaries.* The boundaries of the SDC Shepard Davern Commercial Redevelopment Overlay District shall be the area shown on the official zoning map.
- (c) *Permitted uses.* In addition to the uses permitted within the primary zoning district, the following uses shall be permitted in the SDC Shepard Davern Commercial Redevelopment Overlay District:
 - (1) Hotels and hotel conference facilities. All hotels shall be at least three (3) stories in height and have a minimum of one hundred (100) rooms. Patron access to hotel rooms shall only be provided by a central interior corridor.
 - (2) Higher density multiple family housing with or without mixed commercial uses.
- (d) *Prohibited uses.* The following uses shall be prohibited in the SDC Shepard Davern Commercial Redevelopment Overlay District:
 - (1) Automobile sales and service centers, auto convenience markets, auto service stations and auto specialty stores. Exceptions are those auto convenience markets and auto service states that are not freestanding and are integrated into either hotel, office, or parking ramp structures.
 - (2) Freestanding and drive thru fast food restaurants.
 - (3) Recycling drop off stations.
 - (4) Currency exchange businesses.
 - (5) Pawn shops.
 - (6) Community and transitional residential facilities.
 - (7) Veterinary clinics.
 - (8) Cellular telephone antennas not located on an existing structure.
 - (9) Freestanding liquor establishments.
- (e) *Building regulations.* The following building regulations shall pertain to the SDC Shepard Davern Commercial Redevelopment Overlay district.

- (1) Minimum redevelopment site size shall be as follows:
 - a. The area bounded by West 7th Street, Davern Street and Norfolk Avenue shall be developed as one site.
 - b. Within the remainder of the overlay district, the minimum redevelopment site size shall be one (1) acre.
- (2) Building heights shall be limited to six (6) stories and not exceed sixty-five (65) feet outside the river corridor zone.
- (3) The maximum floor area ratio shall be three (3).
- (4) Front setbacks shall be as follows:
 - a. Shepard Road shall have a minimum setback of 25 feet with a planned canopy of trees. Canopy trees are recommended to be spaced no more than 30 feet apart with allowances for entries and signage view corridors. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota. Driveway cuts onto Shepard Road are discouraged.
 - b. Edgcumbe Parkway shall have a minimum setback of 20 feet with a planned canopy of trees. Canopy trees are recommended to be spaced no more than 30 feet apart with allowances for entries and signage view corridors. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.
 - c. West 7th ~~S~~street from Mississippi River Boulevard to Wheeler Street shall have a minimum setback of 25 feet with a planned canopy of trees. Canopy trees are recommended to be spaced no more than 30 feet apart with allowances for entries and signage view corridors. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.
 - d. West 7th ~~S~~street from Wheeler to Davern Street shall have a setback not to exceed 25 feet. Infill landscaping to include canopy trees, understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.
 - e. Front setbacks on the remainder of West ~~7th~~ ~~Seventh~~ Street shall not exceed twenty-five (25) feet. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.
 - f. Front setbacks on Davern ~~S~~street shall not exceed twenty-five (25) feet. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.
- (5) Side setbacks shall be a minimum of ten (10) feet on all sides. Infill landscaping to include understory trees or shrubs with at least fifty (50) percent of all species native to Minnesota.
- (6) At least fifty (50) percent of the Edgcumbe Parkway and Davern Street frontage shall be fronted by buildings.
- (7) Buildings on Edgcumbe Parkway, Davern Street and West 7th Street shall have at least one (1) prominent pedestrian entry oriented to the parkway or street.
- (8) Building design and materials shall enhance the historic and scenic character of this area of Saint Paul, with appropriate relationships to Fort Snelling and Fort Road (W 7th), as follows (refer to illustration or diagram on file in the office of the city clerk):

- a. For buildings greater than three (3) stories, a cornice line shall be established defining the building base, located approximately one-third (1/3) of the distance from where the building meets the ground to the top of the building;
 - b. A cornice line shall be established defining the top of the building;
 - c. Cornices shall be allowed to project over the public right-of-way line, but not more than fifteen (15) inches;
 - d. The building base shall be faced in stone, brick/masonry, or a material equal or better in quality; no cement block is allowed.
 - e. The building's exterior primary building material shall be faced in durable, maintainable materials in keeping with the character of Fort Snelling (stone, brick/masonry, architecturally finished precast concrete, stucco or similar materials equal or better in quality). Materials such as unfinished concrete, concrete blocks, corrugated or sheet metal, wood or wood composite materials, tile panels and reflective materials are prohibited;
 - f. At least twenty-five (25) percent of the first floor facade of any nonresidential use that faces a public street shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building; highly reflective glass is prohibited;
 - g. Windows should be set into the exterior wall, with no more than forty (40) percent of the total exterior envelope being glass; continuous bands of windows are prohibited.
- (9) Trash receptacles and storage shall be located within all buildings.
- (10) Outdoor storage of products, equipment and materials is prohibited.
- (11) Chain link and barb wire fencing are prohibited.
- (f) *Prohibited on-premise signs.* The following on-premise business signs shall be prohibited in the SDC Shepard Davern Commercial Redevelopment Overlay District:
- (1) Freestanding signs with the exception of ground signs that have two (2) pillars and a maximum height of six (6) feet. Ground signs shall be built with the same exterior building materials as the building and shall not be illuminated with back lighted panels.
 - (2) Backlighting awning signs.
 - (3) Projecting signs.
 - (4) Flashing signs and electronic message signs.
 - (5) Temporary or portable signs, except that merchant sign placards which sit on the sidewalk and are stored indoors are permitted during business hours as long as the sidewalk is not blocked or reduced to less than five (5) feet.
 - (6) Roof signs.
 - (7) Advertising signs, billboards and business signs that advertise products.
 - (8) Pennants, banners and triangular signs attached to strings.
- (g) *Prohibited off-premise signs.* All off-premise advertising signs, for example, billboards, bus bench signs, and bus shelter signs, shall be prohibited in the SDC Shepard Davern Commercial Redevelopment Overlay District.
- (h) *Wall signs.*
- (1) Wall signs shall cover neither windows or architectural trim and detail. They should be

located on the bands of building facades, over the entry, over windows or between windows.

(2) Wall signs located above twenty (20) feet in height shall be limited as follows:

- a. Only one (1) sign per building.
- b. Shall not face the Mississippi River.
- c. Shall be limited to the corporate/business name or logo.
- d. Shall not exceed seventy five (75) square feet.
- e. Shall not be illuminated with back lighted panels.

(i) *Window signs.*

- (1) Permanent window signs, without advertising, may be painted on the surface of the window. Such signs shall not exceed ten (10) percent of the window glass area.
- (2) Temporary window signs, without advertising, may be affixed to the inside of the window. Such signs shall not be in place longer than thirty (30) days and shall not exceed ten (10) percent of the window glass area.

(j) *Public sidewalks.* All frontages along public streets shall have minimum six-foot sidewalks and tree planted boulevards, with street trees spaced an average of one every thirty (30) feet. Spacing and growing medium for the boulevard trees should be designed for plant health. Any such trees must be selected for heat, deicing salt, soil compaction and drought tolerance. Along West 7th Street brick pavers shall be integrated in to the sidewalks at intersection corners (refer to illustration or diagram on file in the office of the city clerk).

(k) *Accessory parking regulations.* The following accessory parking regulations shall apply to the SDC Shepard Davern Commercial Redevelopment Overlay District:

- (1) *Location:* All on site accessory parking areas and structures shall be located to the side or rear of the principal building or use served.
- (2) *Quantity:* Parking shall be provided as the zoning requires for each use, except as follows:
 - a. For commercial or retail uses, if a transit shelter is provided on site then required parking spaces shall be reduced by five (5) percent but not to exceed five (5) spaces total;
 - b. For commercial or retail uses, required parking may be reduced by the establishment of a parking district for the purposes of sharing parking within one shopping or entertainment area; parking areas must be clearly identified and provided with dedicated pedestrian links to the street; the establishment of a parking district to allow a reduction in parking required shall be subject to review and approval by the planning commission. The development of shared parking is encouraged subject to the provisions of section 632.200+03.

(3) Parking areas fronting along public street shall comply with the following:

- a. A landscaped setback area of at least fifteen (15) feet on West 7th Street and Davern Street, twenty (20) feet on Edgumbe Parkway, twenty five (25) feet on Shepard Road and containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years shall be provided between the parking area and public sidewalk. Landscaped areas shall be irrigated by underground watering systems. The city zoning administrator may approve the

substitution of a decorative fence, masonry wall, berm or similar architectural feature in lieu of up to sixty (60) percent of planted materials. Along West 7th ~~Seventh~~ Street, there shall be wrought iron fencing three (3) feet high.

- b. One canopy tree at least three (3) inches in caliper and one evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking lot frontage. Trees shall be planted in the landscaped area between the parking area and sidewalk.
- (4) For all parking lots which exceed one hundred (100) cars, an area equal to a minimum of ten (10) percent of the paved parking area shall be provided for interior landscaped islands. For all parking lots with thirty-five (35) to one hundred (100) cars, an area equal to a minimum of five (5) percent of the paved parking area shall be provided for interior landscaped islands. Interior landscaping shall be not less than forty (40) percent evergreens and shall include canopy trees in islands which exceed one hundred (100) square feet. Parking lot trees must be selected for heat, deicing salt, soil compaction, and drought tolerance and are to have a ground layer of organic mulch and/or massing of shrubs or living ground covers which will be managed to tolerate site conditions.
- (5) Parking structures fronting along public streets shall comply with the following:
 - a. Durable maintainable materials (stone, brick, architecturally finished precast concrete or similar materials equal or better in quality) shall be used for parking structure exteriors.
 - b. A landscaped setback area of at least fifteen (15) feet on West 7th ~~Seventh~~ Street and Davern Street, twenty (20) feet on Edgcumbe Parkway, and twenty-five feet on Shepard Road shall be provided between the parking structure and public sidewalk. Landscaped areas shall be irrigated by underground watering systems.
 - c. One (1) canopy tree at least three (3) inches in caliper and one (1) evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking structure frontage. Trees shall be planted between the parking structure and the sidewalk, or between the sidewalk and the street.
- (1) *Landscaping regulations.*
 - (1) At least fifty (50) percent of all landscaped areas should be planted with species native to Minnesota.
 - (2) Where nonnative species are planted, no exotic invasive species shall be used, for example, European buckthorn and Tartarian honeysuckle.
 - (3) Wherever possible, connect new landscape areas to existing or neighboring planted areas for landscape connectivity.
 - (4) In areas of screening, the landscaping shall favor planting beds of trees with shrubs in order to have upper and lower plant material.
 - (5) The greatest extent possible, existing healthy native trees and vegetation shall be retained.
 - (6) Canopy trees are defined as achieving a height of at least fifty (50) feet at maturity.
 - (7) When trees are sited in areas where they can be damaged, they shall be protected through such measures as staking, flagging or curbing.

(C.F. No. 99-1165, § 1, 12-22-99)

Sec. 670.9303. SDR Shepard Davern Residential Redevelopment Overlay District.

- (a) *Purpose.* The **SDR** Shepard Davern Residential **Redevelopment** District (**SDR**) is an overlay district designed to promote the redevelopment of the area into an urban village residential district by mixing attractive examples of higher density multiple family housing with pedestrian-friendly streets and community amenities.
- (b) *Established boundaries.* The boundaries of the **SDR** Shepard Davern Residential Redevelopment Overlay District shall be the area shown on the official zoning map.
- ~~(c) *Conditional uses.* All principal uses permitted subject to special conditions shall be reviewed for approval by the planning commission:~~
 - ~~— (1) For incorporation of accessory parking underground or within a nonparking structure: three (3) feet for every ten (10) percent of total parking requirement.~~
 - ~~— (2) For landscaped open space or plaza provided in addition to setback and parking area requirements: three (3) feet for every two hundred (200) square feet.~~
 - ~~— (3) For landscaped open space fronting along Shepard Road: one-half (½) foot for every three-inch caliper canopy tree or evergreen tree planted within a pervious area of two hundred (200) square feet.~~

[The Shepard Davern Redevelopment Overlay districts were adopted on 12/15/99. The amended ordinance eliminated conditional use sections in both the commercial and residential overlay districts. When printed, the residential conditional use section was inadvertently retained, when it should have been deleted. Eliminating this subsection reflects the intent of the 12/15/99 City Council action.]

- ~~(cd)~~ *Building regulations.* The following building regulations shall pertain to the **SDR** Shepard Davern Residential **Redevelopment** Overlay district.
 - (1) Building heights shall be limited to six (6) stories but not exceed sixty-five (65) feet outside the river corridor zone.
 - (2) Minimum site size shall be two (2) acres.
 - (3) The total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by five hundred twenty five (525).
 - (4) The maximum percent of a lot occupied by main building shall be forty-five (45) percent.
 - (5) All buildings shall have at least one (1) prominent pedestrian entry oriented to the parkway or street.
 - (6) Building design and materials shall enhance the historic character of this area of St Paul, with appropriate relationships to Fort Snelling and Fort Road (W 7th), as follows:
 - a. A cornice or material trim line shall be established defining the building base as approximately the first floor;
 - b. A cornice line or eave line shall be established defining the top of the building;
 - c. The building base shall be faced in stone, masonry, or a material equal or better in quality;
 - d. The building's exterior primary building material shall be faced in durable, maintainable materials in keeping with the character of the existing residential areas; materials such as unfinished concrete, concrete blocks, corrugated or sheet metal, wood composite materials, tile panels and reflective materials are prohibited;
 - e. Buildings shall avoid blank street walls.

- f. Where possible the first floor facade facing a public street shall have windows or doors of clear or lightly tinted glass that allows views into and out of the building; highly reflective glass is prohibited.
 - g. Trash receptacles and service areas or entries shall be screened with the same materials used on the building exterior.
 - h. Chain link and barb wire fencing is prohibited.
- (de) *Public sidewalks.* All frontages along public streets shall have minimum six-foot sidewalks and tree-planted boulevards, with street trees spaced an average of one (1) every thirty (30) feet. Spacing and growing medium for the boulevard trees should be designed for plant health. Any such trees must be selected for heat, deicing salt, soil compaction and drought tolerance. Along West 7th Street brick pavers shall be integrated into the sidewalks at intersection corners.
- (ef) *Accessory parking regulations.* The following accessory parking regulations shall apply to the SDR Shepard Davern Residential Redevelopment Overlay District:
- (1) *Location.* All on site accessory parking areas and structures shall be located to the side or rear of the principal building or use served.
 - (2) Parking areas fronting along public streets shall comply with the following:
 - a. A landscaped front setback area of at least twenty-five (25) feet containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years shall be provided between the parking area and the public sidewalk. Landscaped area shall be irrigated by underground watering systems. The city zoning administrator may consider the substitution of a decorative fence, masonry wall, berm or similar architectural feature in lieu of planted materials.
 - b. One (1) canopy tree at least three (3) inches in caliper and one (1) evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking lot frontage. Trees shall be planted in the landscape between the parking area and sidewalk.
 - (3) Parking structures fronting along public streets shall comply with the following:
 - a. Durable maintainable materials (stone, brick, architecturally finished precast concrete or similar materials equal or better in quality) shall be used for parking structure exteriors.
 - b. A landscaped setback area of at least twenty-five (25) feet shall be provided between the parking structure and public sidewalk. Landscaped areas shall be irrigated by underground watering systems.
 - c. One (1) canopy tree at least three (3) inches in caliper and one (1) evergreen tree at least two and one-half (2 ½) inches in caliper shall be provided for every thirty (30) feet of parking structure frontage. Trees shall be planted between the parking structure and the sidewalk, or between the sidewalk and the street.
 - (4) For all parking lots that exceed one hundred (100) cars, an area equal to a minimum of ten (10) percent of the paved parking area shall be provided for interior landscaped islands. For all parking lots thirty-five (35) to one hundred (100) cars, an area equal to a minimum of five (5) percent of the paved parking area shall be provided for interior landscaped islands. Interior landscaping shall be not less than forty (40) percent evergreens and shall include canopy trees in islands which exceed 100 square feet.

Parking lot trees must be selected for heat, deicing salt, soil compaction, and drought tolerance and are to have a ground layer of organic mulch and/or massing of shrubs or living ground covers which will be managed to tolerate site conditions.

(f) Landscaping regulations.

- (1) At least fifty (50) percent of all landscaped areas should be planted with species native to Minnesota.
- (2) Where nonnative species are planted, no exotic invasive species shall be used, for example, European buckthorn and Tartarian honeysuckle.
- (3) Wherever possible, connect new landscape areas to existing or neighboring planted areas for landscape connectivity.
- (4) In areas of screening, the landscaping shall favor planting beds of trees with shrubs in order to have upper and lower plant material.
- (5) To the greatest extent possible, existing healthy native trees and vegetation shall be retained.
- (6) Canopy trees are defined as achieving a height of at least fifty (50) feet at maturity.
- (7) When trees are sited in areas where they can be damaged, they shall be protected through such measures as staking, flagging or curbing.

(C.F. No. 99-1165, § 1, 12-22-99)

ARTICLE IV. 67.400. WB WHITE BEAR AVENUE OVERLAY DISTRICT

Subdivision 10. 60.950. White Bear Avenue Overlay District

Sec. 670.95401. General provisions.

- (a) *Establishment of overlay district; intent.* There is hereby established within the city a special zoning district which shall be known as the **WB** White Bear Avenue Overlay District (~~WBOD~~). This district is established to implement the White Bear Avenue Small Area Plan, maintain a unique character, to promote mixed use development, and to protect public health, safety and welfare within the designated district.
- (b) *Relationship to other applicable regulations.* Property located within the overlay district shall be subject to the provisions of the primary zoning district and the new overlay district. Because overlay district regulations may be more or less restrictive than the primary zoning district, where provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall govern.
- (c) *Established boundaries.* Overlay district boundaries shall be as specified in the overlay district regulations. The overlay district designation shall be shown on the zoning map (~~Attachment A~~) in addition to the underlying zoning district designation (~~Zoning Maps 7, 15, 23~~).

(C.F. No. 01-612, § 2, 7-11-01)

Sec. 670.95402. WB White Bear Avenue Overlay District.

- (a) *Purpose.* The **WB** White Bear Avenue Overlay District (~~WBOD~~) is designed to facilitate implementation of recommendations in the White Bear Avenue Small Area Plan. Redevelopment in the district shall be designed to enhance the livability of the area, to

reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of Saint Paul.

- (b) *Established boundaries.* The boundaries of the **WB** White Bear Avenue Overlay District shall be the area shown on the official zoning map.
- (c) *Prohibited uses.* The following uses shall be prohibited in the **WB** White Bear Avenue Overlay District:
 - (1) Currency exchange businesses.
 - (2) Pawn shops.
 - (3) Cellular telephone antennas not located on an existing structure.
 - (4) Finishing shops.
 - (5) Recycling collection centers.
 - (6) Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats; Except that car rental offices with 6 or fewer passenger vehicles may be permitted, subject to a ~~special~~ conditional use permit.
- (d) *Building regulations.* The following building regulations shall pertain to the **WB** White Bear Avenue Overlay District.
 - (1) Commercial buildings should be built as close to the sidewalk as possible.
 - (2) Fencing on White Bear Avenue shall:
 - a.(i) Act as a unifying element on the street, with commercial and residential designs relating to each other.
 - b.(ii) Be adaptable, e.g. fencing might top a wall or be freestanding;
 - c. (iii) Be constructed of high quality and low maintenance materials, e.g. wood for residential uses and ornamental iron for institutional and business uses (not including chain link fencing);
 - d. (iv) Relate to the street by limiting maximum heights along White Bear Avenue to three (3) feet.
 - (3) Walls shall be:
 - a.(i) Constructed of high quality, low maintenance materials, including natural stone and precast concrete systems;
 - b.(ii) Compatible with their surroundings;
 - c. (iii) Capable of being integrated with fencing and landscape materials.
- (e) *Accessory parking regulations.* The following accessory parking regulations shall apply to the **WB** White Bear Avenue Overlay District:
 - (1) Location: All on site accessory parking areas and structures shall be located to the side or rear of the principal building or use served. Buildings on corner lots shall, to the extent possible, locate the principal building at the corner with accessory parking to the side and rear. Buildings on lots with frontage on three or more sides shall develop a plan that best meets the goals and intent of the White Bear Avenue Small Area Plan and this overly district.
 - (2) Quantity: Parking shall be provided as the zoning requires for each use, except as follows:

- a.(i) For retail, medical, service and office uses, if a transit shelter is provided on site then required parking spaces shall be reduced by five (5) percent but not to exceed five (5) spaces total;
 - b.(ii) For retail, medical, service, and office uses, required parking may be reduced by the establishment of a parking district for the purposes of sharing parking within one shopping area; parking areas must be clearly identified and provided with dedicated pedestrian links to the street; the establishment of a commercial parking district to allow a reduction in parking required shall be subject to review and approval by the planning commission.
 - c. (iii) The development of shared parking is allowed as regulated in sections ~~650.732413(15)~~ and ~~632.103206(g)(7)~~. Additionally, medical and service uses may participate in a shared parking agreement provided that it can be demonstrated that there will be adequate parking in combination with the other uses listed in section ~~6322.103206(g)(7)~~.
- (3) Parking structures fronting along public streets shall comply with the following:
- a.(i) Durable maintainable materials (stone, brick, architecturally finished precast concrete or similar materials equal or better in quality) shall be used for parking structure exteriors.
 - b.(ii) A landscaped setback area of at least five (5) feet shall be provided between the parking structure and public sidewalk. Landscaped areas shall be irrigated by underground watering systems.
- (f) *Landscaping regulations.* Street trees and landscaping must be designed with the long term health of the plants in mind. Street trees should be planted along the entire length of White Bear Avenue, making sure that there is sufficient room for root growth and including an irrigation system when necessary. Generous planting beds are preferable to tree grates. Other landscaping should be hardy and primarily native.
- (1) At least fifty (50) percent of all landscaped areas should be planted with species native to Minnesota.
 - (2) Where nonnative species are planted, no exotic invasive species shall be used, for example, European buckthorn and Tartarian honeysuckle.
 - (3) Wherever possible, connect new landscape areas to existing or neighboring planted areas for landscape connectivity.
 - (4) In areas of screening, the landscaping shall favor planting beds of trees with shrubs in order to have upper and lower plant material.
 - (5) The greatest extent possible, existing healthy native trees and vegetation shall be retained.

(C.F. No. 01-612, § 2, 7-11-01)

ARTICLE V. 67.500. HV HILLCREST VILLAGE OVERLAY DISTRICT

Subdivision 11. 60.955 Hillcrest Village Overlay District

Sec. ~~670.956~~501. General provisions.

- (a) *Establishment of overlay district; intent.* There is hereby established within the City of

Saint Paul a special zoning district which shall be known as the **HV** Hillcrest Village Overlay District. This district is established to implement the White Bear Avenue Small Area Plan, to promote the redevelopment of the area into a mixed use urban district combining commercial uses and housing, and to protect public health, safety and welfare within the designated district.

- (b) *Relationship to other applicable regulations.* Property located within the overlay district shall be subject to the provisions of the primary zoning district and the new overlay district. Because overlay district regulations may be more or less restrictive than the primary zoning district, where provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall govern.
- (c) *Established boundaries.* Overlay district boundaries shall be as specified in the individual overlay district regulations. The overlay district designations shall be shown on the zoning map (~~Attachment B~~) in addition to the underlying zoning district designation (~~Zoning Map 7~~).

(C.F. No. 01-612, § 2, 7-11-01)

Sec. 670.957502. **HV Hillcrest Village Overlay District.**

- (a) *Purpose.* The **HV** Hillcrest Village Overlay District (~~HVOD~~) is designed to facilitate implementation of recommendations in the White Bear Avenue Small Area Plan and to promote the redevelopment of the area into a mixed use urban district combining commercial uses and housing. Redevelopment in the district shall be designed to promote the redevelopment of the area into a mixed use urban district combining commercial uses and housing, to enhance the livability of the area, to reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of Saint Paul.
- (b) *Established boundaries.* The boundaries of the **HV** Hillcrest Village Overlay District shall be the area shown on the official zoning map.
- (c) *Prohibited uses.*
 - (1) Uses prohibited in **section 670.95402(c)**.
 - (2) Automotive related uses: automobile convenience markets, auto service stations, auto specialty stores, and auto repair facilities.
- (d) Building regulations as in **section 670.95402(d)**.
- (e) Accessory parking regulations as in **section 670.95402(e)**.
- (f) Landscaping regulations as in **section 670.95402(f)**.

(C.F. No. 01-612, § 2, 7-11-01)